

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 03-30298 - MAP

JAMES TULGAN,

Plaintiff

V

BERKSHIRE ARMORED CAR,
SERVICES CO., INC. PROFIT SHARING
PLAN, BERKSHIRE ARMORED CAR
SERVICES CO., INC., GERARD S.
REDER AND JACQUELINE POWERS,
Defendants

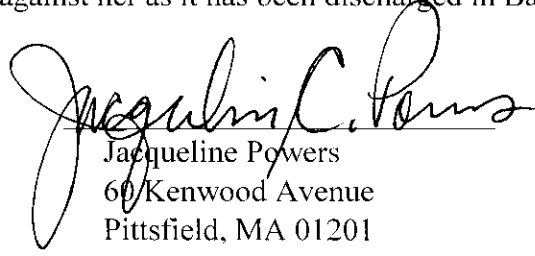
DEFENDANT
JACQUELINE POWERS'
MOTION TO DISMISS

NOW comes the Defendant, Jacqueline Powers, in the above entitled matter and moves this Honorable Court to DISMISS Count V of the Plaintiff's Complaint, with prejudice.

FOR REASONS, Defendant Powers states that on April 4, 2002 she filed a Chapter 7 Petition for Bankruptcy with the United States Bankruptcy Court in Worcester, Massachusetts, (Case #02-42194-HJB). On July 18, 2002 Defendant Powers received a discharge in said proceeding. On March 25, 2004 Defendant moved to reopen her Chapter 7 so as to schedule the Plaintiff as an unsecured creditor to be discharged. That Motion was granted on May 24, 2004. Thereafter, the Defendant filed a Motion To Amend her bankruptcy so as to add the Plaintiff as a creditor. That Motion was allowed on November 22, 2004.

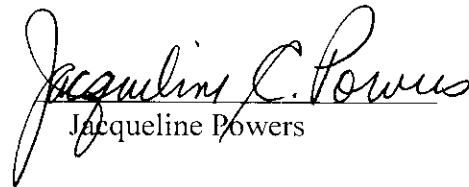
WHEREFORE, the Defendant Jacqueline Powers respectfully requests this Honorable Court to dismiss Count V of the Plaintiff's Complaint against her as it has been discharged in Bankruptcy.

Dated: January 19, 2005


Jacqueline Powers
60 Kenwood Avenue
Pittsfield, MA 01201
(413) 448-2017

CERTIFICATE OF SERVICE

I, Jacqueline Powers hereby certify that I have on this 19th day of January, 2005, served the within Defendant Jacqueline Power's Motion To Dismiss, by mailing same to Robert L. Leonard, Esq., Doherty Wallace Pillsbury and Murphy, One Monarch Place, Suite 1900, Springfield, MA 01144 and Jack E. Houghton, Jr., 78 Bartlett Avenue, Pittsfield, MA 01201 by first class mail, postage prepaid.


Jacqueline Powers